UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK  ANDREW HILLMAN, et al.,	DOCUMENT ELECTRONICALLY FILED DOC#: DATE TEED: 3 22 201
Plaintiffs, )  V. )  RINGLEADER DIGITAL, INC., et al., )  Defendants. )	10 Civ. 8315 (DLC)
CHARLIE AUGHENBAUGH, et al.,  Plaintiffs,  v.  RINGLEADER DIGITAL, INC., et al.,  Defendants.  )	11 Civ. 1822 (UA)

## STIPULATION AND PROPOSED ORDER TO CONSOLIDATE ACTIONS

WHEREAS, Aughenbaugh, et. al. v. Ringleader Digital, Inc., et. al., Case No. 11 Civ. 1822 (UA) (S.D.N.Y.) (the "Aughenbaugh Litigation") was originally filed in the United States District Court for the Central District of California on September 16, 2010;

WHEREAS, Hillman, et. al. v. Ringleader Digital, Inc. et. al., Case No. 10 Civ. 8315 (DLC) (the "Hillman Litigation") was filed in this Court on November 3, 2010;

WHEREAS, beginning in November of 2010 and continuing through February 8, 2011, counsel for Plaintiffs in the Hillman and Aughenbaugh Litigations and counsel for Defendant Ringleader Digital, Inc. ("Ringleader Digital") have engaged in a series of discussions regarding

resolution of both lawsuits, including a mediation held in New York on November 23, 2010, be-

fore Mediator Rodney Max;

WHEREAS, as a result of those discussions, Ringleader Digital and Plaintiffs have now

reached a settlement agreement and have sought the Court's permission to resolve both lawsuits

in their entirety by settlement;

WHEREAS, as part of that agreement and with the consent of the other defendants in the

case, the Aughenbaugh Litigation was transferred to this district, where Ringleader resides, to

seek consolidation of the Aughenbaugh and Hillman Litigations to aid in resolution of this case;

WHEREAS, the Aughenbaugh Litigation has now been transferred to the Southern Dis-

trict of New York, assigned the above-styled case number, and referred to this Court as possibly

related to the Hillman Litigation;

WHEREAS, the Aughenbaugh Litigation and the Hillman Litigation involve substan-

tially overlapping operative facts and legal issues:

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned Parties,

to consolidate the Aughenbaugh Litigation with the Hillman Litigation.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Date: March 21, 2011

DENISE L. COTE

UNITED STATES DISTRICT JUDGE

2.

Date: March 18, 2011

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Stipulation and [Proposed] Order has been served on all counsel of record in this litigation, via email, as consented to be counsel, this 18th day of March, 2011.

David A. Stampley